

Summary

The aim of this thesis is to describe and bring the issue of the position of spouses in insolvency proceedings to the reader. In last few years this issue has become more and more relevant and brought a lot of questions and problems to case law but also to the legislation that deals with it. The thesis is divided into three chapters.

Chapter One introduces the basic terminology used in the thesis to the reader in order to help him or her understand issues presented later. The definitions of following concepts may be found in this chapter: *insolvency proceedings*, *insolvency and its solution modes*, *marriage*, *common property of spouses* and *the estate in insolvency proceedings*.

Chapter Two deals with the discharge of the debts of spouses which represents the new legal institute adopted by Act No. 294/2013 Coll., which changes the Act No. 186/2006 Coll., on insolvency and its solution modes (Insolvency Act) and Act No. 312/2006 Coll., on insolvency administrators (hereinafter referred to as “revising amendment”). The first subchapter briefly illustrates the previous legislation so the reader can compare the differences and note the changes brought by the revising amendment. The following subchapters describe the whole process of discharge of the debts step by step concentrating on the specifics of discharge of the debts of spouses.

Chapter Three analyzes the position of spouses in the bankruptcy. It focuses on the effects of declaring bankruptcy on the common property of spouses and also deals with the issue of including the common property of spouses into the estate in insolvency proceedings.

In Conclusion, the author offers the evaluation of the current legislation and highlights the problems which could be connected with that. The author also outlines her thoughts and suggestions on the possible changes to be made in legislation in future (*de lege ferenda*).